

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

JOHN H. JOHNSON
Claimant

VS.

VULCAN MATERIALS COMPANY
Respondent
Self-Insured

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Docket No. 199,876

ORDER

Respondent appeals from a preliminary hearing Order entered by Administrative Law Judge Nelsonna Potts Barnes on February 12, 1997.

ISSUES

Respondent's Application for Review indicates the issues on appeal are temporary total disability, medical treatment, and change of treating physician. From review of the transcript of the preliminary hearing, it appears the issue was, in substance, whether respondent should be required to pay for certain atypical treatments recommended by the treating physician and whether, in the alternative, respondent could obtain a change of authorized treating physicians. Following testimony and introduction of certain records, the Administrative Law Judge ordered continued treatment through Dr. Bradley W. Bruner as the authorized treating physician and further ordered that Dr. Bruner was authorized for all treatments, tests, and referrals except referrals to rehabilitation hospitals.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record and considering the arguments, the Appeals Board concludes that the issue raised is not one subject to review at this stage of the proceedings. The Appeals Board has limited jurisdiction of preliminary hearing orders. That jurisdiction is limited to allegations that the administrative law judge exceeded his or her jurisdiction. K.S.A. 1996 Supp. 44-551. This includes the list of issues identified in

K.S.A. 1996 Supp. 44-534a. The issues in this appeal are not those listed in K.S.A. 44-534a and are not otherwise allegations the Administrative Law Judge exceeded her jurisdiction. Even where the Appeals Board may disagree with an order it does not, at this stage of the proceedings, have jurisdiction to review that order.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the appeal by respondent should be dismissed and the Order by Administrative Law Judge Nelsonna Potts Barnes dated February 12, 1997, remains in effect as originally entered.

IT IS SO ORDERED.

Dated this ____ day of April 1997.

BOARD MEMBER

c: James B. Zongker, Wichita, KS
John B. Rathmel, Overland Park, KS
Nelsonna Potts Barnes, Administrative Law Judge
Philip S. Harness, Director